

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201902877	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/28/2019 2:30 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 9/28/2020	EO SOL 5/15/2021	
Date/Time CV Reported Thu, 03/28/2019 1:34 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/03/2019 11:18 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Hansson	02972	949084	075 PCT
2. POM Billy Dill	03000	929737	075 PCT
3. POM Tyler Angelo	21443	959456	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Hansson	Abuse: Sergeant Michael Hansson stopped § 87(2)(b)	§ 87(2)(b)
B.POM Billy Dill	Abuse: Police Officer Billy Dill stopped § 87(2)(b)	§ 87(2)(b)
C.POM Tyler Angelo	Abuse: Police Officer Tyler Angelo stopped § 87(2)(b)	§ 87(2)(b)
D.POM Tyler Angelo	Abuse: Police Officer Tyler Angelo drew his gun.	§ 87(2)(b)
E.POM Billy Dill	Abuse: Police Officer Billy Dill questioned § 87(2)(b)	§ 87(2)(b)
F.SGT Michael Hansson	Abuse: Sergeant Michael Hansson questioned § 87(2)(b)	§ 87(2)(b)
G.POM Billy Dill	Abuse: Police Officer Billy Dill frisked § 87(2)(b)	§ 87(2)(b)
H.SGT Michael Hansson	Abuse: Sergeant Michael Hansson frisked § 87(2)(b)	§ 87(2)(b)
I.POM Tyler Angelo	Abuse: Police Officer Tyler Angelo frisked § 87(2)(b)	§ 87(2)(b)
J.POM Billy Dill	Abuse: Police Officer Billy Dill threatened to arrest § 87(2)(b)	§ 87(2)(b)
K.SGT Michael Hansson	Abuse: Sergeant Michael Hansson failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
L.POM Billy Dill	Abuse: Police Officer Billy Dill failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
M.POM Tyler Angelo	Abuse: Police Officer Tyler Angelo failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

Case Summary

On March 28, 2019, § 87(2)(b) filed this complaint over the phone with IAB. It was received by the CCRB on April 3, 2019 under log #19-12370.

On March 28, 2019 at approximately 2:30AM, § 87(2)(b) was walking near § 87(2)(b) in Brooklyn when Sergeant Michael Hansson, Police Officer Billy Dill, and Police Officer Tyler Angelo stopped him (**Allegations A, B, C- Abuse of Authority:** § 87(2)(g) PO Angelo drew his gun when approaching § 87(2)(b) (**Allegation D- Abuse of Authority:** § 87(2)(g) PO Dill and Sgt. Hansson questioned § 87(2)(b) (**Allegations E and F- Abuse of Authority:** § 87(2)(g) PO Dill frisked § 87(2)(b) (**Allegation G- Abuse of Authority:** § 87(2)(g) Sgt. Hansson and PO Angelo frisked § 87(2)(b) (**Allegations H and I- Abuse of Authority:** § 87(2)(g) PO Dill threatened to arrest § 87(2)(b) (**Allegation J- Abuse of Authority:** § 87(2)(g) Sgt. Hansson, PO Dill, and PO Angelo failed to provide § 87(2)(b) with business cards (**Allegations K, L, M- Abuse of Authority:** § 87(2)(g) § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was not arrested or summonsed as a result of this incident.

There is no video footage capturing this incident. All of the officers were equipped with body-worn cameras at the time of the incident but did not generate BWC footage.

Findings and Recommendations

Allegation A- Abuse of Authority: Sergeant Michael Hansson stopped § 87(2)(b)

Allegation B- Abuse of Authority: Police Officer Billy Dill stopped § 87(2)(b)

Allegation C- Abuse of Authority: Police Officer Tyler Angelo stopped § 87(2)(b)

§ 87(2)(b) stated that approximately 2:30AM on March 28, 2019, he was walking on § 87(2)(b) in Brooklyn to the apartment of his girlfriend, § 87(2)(b) at § 87(2)(b) (Board Review 01). § 87(2)(b) was wearing a black jacket, a hoodie, and a black ski mask over his face; the mask covered his entire face except his eyes. § 87(2)(b) was not carrying anything on his person. § 87(2)(b)'s hands were in his hoodie pockets. § 87(2)(b) saw an unmarked car pull up by him and either Sgt. Hansson or PO Angelo continually called out to him by saying, "Yo. Yo. Yo. My man. Excuse me." § 87(2)(b) did not respond to this because he was not doing anything wrong. § 87(2)(b) walked to the gate of § 87(2)(b) and put his hand through the gate to unlock it from the inside. The gate has a sign on it that says "No Trespassing." As soon as § 87(2)(b) did this, the officers exited their vehicle and followed § 87(2)(b) to the top of the stairs.

§ 87(2)(g)

§ 87(2)(b) The officers all stated that there was a burglary condition in the entirety of the 75th Precinct, which was part of their assignment to address. The officers were not looking for anyone in particular and did not have any descriptions of any potential burglary suspects. PO Angelo stated that they were informed about the burglary condition during roll call on March 28, 2019. PO Dill did not recall who informed him about the burglary condition. When the officers saw § 87(2)(b) walking with a ski mask on with his hands in his pockets, they thought he was behaving in a suspicious manner. The officers believed that it was suspicious that § 87(2)(b) was wearing a black ski mask because it was too warm to reasonably do so and in their experience, people who burgle and rob often wear black ski masks when committing these crimes. The officers also stated that they were less than a car length away from § 87(2)(b) when an officer first started to speak to him, although it is disputed what was said at the time.

Sgt. Hansson stated that either PO Dill or PO Angelo called out from the car, identifying themselves as police officers and said something to the effect of “Where you going, pal?” § 87(2)(b) did not change directions while walking. § 87(2)(b) did not respond to the officers. § 87(2)(b) “bladed his body” by turning his hips away from the police car and walking at a quicker pace. Once § 87(2)(b) began blading his body, either PO Dill or PO Angelo asked § 87(2)(b) to stop but he refused to stop or talk to the officers. Sgt. Hansson stated that he was “100 percent” sure that an officer told § 87(2)(b) to stop multiple times while the officer was in the car but he just did not recall which one did so. § 87(2)(b) walked into a yard, through a gate, and upstairs of a building. Sgt. Hansson did not know how § 87(2)(b) opened the gate and did not know if he reached over the gate to unlatch it. § 87(2)(b) abruptly entered the yard in a manner that Sgt. Hansson interpreted as § 87(2)(b) just trying to get away from the officers as opposed to the behavior of someone who actually lived in the building. All of the officers then exited the vehicle; the officers either exited the car immediately prior to § 87(2)(b) opening the gate or immediately afterwards. While walking toward § 87(2)(b) Sgt. Hansson told him to “stop” multiple times but § 87(2)(b) continued walking.

PO Angelo stated that he was the only officer to speak with § 87(2)(b) while the officers were inside the vehicle. PO Angelo stated that while walking § 87(2)(b) bladed his body away from the officers, as if he were attempting to conceal something. PO Angelo told § 87(2)(b) to “stop” twice but § 87(2)(b) continued walking. After § 87(2)(b) continued walking following PO Angelo’s second attempt to verbally command him to stop, the officers got out of the vehicle. § 87(2)(b) continued walking and went behind a gate that said, “Private property- no trespassing.” Behind the gate, there was a small path leading to a couple of stairs leading up to a front door of a residential building. The officers also went behind the gate.

PO Dill stated that he spoke to § 87(2)(b) from the car and said saying something to the effect of, “Hi, how are you doing? I’m Officer Dill.” § 87(2)(b) did not respond but continued walking. Once noticing the officers, § 87(2)(b) momentarily changed directions for a “few steps” and then double backed so he was going the same way he was going originally. It seemed like § 87(2)(b) was “confused” as to where he was going. PO Dill found this “double backing” suspicious based on his years of training as a police officer. It appeared that § 87(2)(b) could have been concealing something or changing his mind on committing a crime because he saw the police.

The Stop Report prepared by PO Angelo, and approved by Sgt. Hansson, noted that § 87(2)(b) was stopped because PO Angelo suspected he was committing burglary and that the factors that led to the stop were that § 87(2)(b) was casing a location and ignored orders to stop for police (Board Review 05).

A Weather Underground search revealed that the temperature at approximately 1:51AM on March 28, 2019, the temperature in New York City was 37 degrees Fahrenheit (Board Review 06).

A request for robbery pattern worksheets generated in the vicinity of the 75th Precinct for the month of March 2019 has been requested and the results of this request will be added to the case file upon receipt (Board Review 07).

A stop requires reasonable suspicion that the individual being stopped has committed, is committing, or is about to commit a crime. People v. DeBour, 40 N.Y.2d (Board Review 08).

An individual with a weighted down jacket making a motion to blade his body and changing directions upon observing police in a high-crime location may provide officers with founded suspicion to question, but does not give rise to the reasonable suspicion needed to justify a stop and

frisk. People v. Gerard, 94 A.D.3d 592 (Board Review 09).

Behavior that is susceptible to an innocuous interpretation, even in a high crime area, is not sufficient to establish reasonable suspicion. People v. Hampton 200 A.D.2d 466 (Board Review 10).

Patrol Guide Procedure 212-11 states that in Level 1 and Level 2 encounters, the person may refuse to answer questions and/or walk or even run away. Refusal to answer questions and/or walking or running away does not escalate the encounter. At this level, the officer may not create a situation (either by words or actions) where a reasonable person would not feel free to leave (Board Review 11).

§ 87(2)(g)

§ 87(2)(g)

Allegation D-Abuse of Authority: Police Officer Tyler Angelo drew his gun.

§ 87(2)(b) stated that PO Angelo drew his gun and pointed it to the ground while he approached him.

PO Angelo, Sgt. Hansson, and PO Dill all denied that PO Angelo drew his gun during this incident.

§ 87(2)(g)

Allegation E-Abuse of Authority: Police Officer Billy Dill questioned § 87(2)(b)

Allegation F-Abuse of Authority: Sergeant Michael Hansson questioned § 87(2)(b)

§ 87(2)(b) stated that after the officers grabbed his arms, officers asked him multiple questions without giving him a chance to respond. The questions consisted of “What are you doing here? Do

you live here? What do you got in your pockets? You got a gun on you?” § 87(2)(b) could not attribute any of the questions to any specific officer but stated that PO Angelo was quiet. § 87(2)(b) told the officers that he lived in the building.

The only question that Sgt. Hansson recalled being posed to § 87(2)(b) was either PO Dill or PO Angelo asking him from the car where he was going. Neither PO Angelo nor PO Dill recalled asking § 87(2)(b) any questions. Sgt. Hansson, PO Angelo, and PO Dill stated in their CCRB interviews that they did not recall asking § 87(2)(b) if he had a gun and that they did not recall any officer asking that question. PO Dill noted that this would have been a “normal” question to ask but he did not recall it being asked on that specific night.

All of the officers testified to having suspected that § 87(2)(b) may have been armed. PO Angelo believed this because of the quick manner in which § 87(2)(b) was moving, the fact that he ignored his initial commands to stop, and because § 87(2)(b) refused to take his hands out of his pockets. PO Dill believed this because he had his hands in his pockets by his waistband and it “looked like he was holding onto something.” PO Dill was asked how it looked like § 87(2)(b) was holding on to something. PO Dill responded that he could not tell if § 87(2)(b) was holding on to something. There was a bulge in the pockets but PO Dill could not tell if the bulge was caused by § 87(2)(b) s hands alone or if there was something in his pockets. Sgt. Hansson testified that he believed § 87(2)(b) “may” have had a weapon on his person because of the way he bladed his body when officers initially tried to speak to him and because of the mask, which indicated to Sgt. Hansson that § 87(2)(b) may be committing or about to commit a burglary. Sgt. Hansson also noted that “you could also say that he absolutely could have had a weapon based on the way he wouldn’t take his hands out of his pockets, that he was concealing his identity, and refusing to stop.”

An officer requires an objective, credible reason to approach an individual and request general information from them. An officer requires a founded suspicion that criminality is afoot in order to ask an individual pointed or accusatory questions. People v. Hollman 79 N.Y.2d 181 (Board Review 12).

§ 87(2)(g)
§ 87(2)(b)
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§ 87(2)(b)
§ 87(2)(b)

Allegation G- Abuse of Authority: Police Officer Billy Dill frisked § 87(2)(b)
It is undisputed that § 87(2)(b) was frisked.

§ 87(2)(b) stated that after the officers asked questions, they patted him down his chest, waist, and thigh area. The officers did not pat down his lower legs or his arms at any point. It was around this time when § 87(2)(b) came outside and asked what was going on. § 87(2)(b) stated that he was only asked to remove his hands from his pocket following the conclusion of the frisk.

As noted in the discussion of Allegations E and F, the officers all testified as to suspecting that § 87(2)(b) was armed. PO Dill stated that there was a bulge in the pockets but PO Dill could not tell if the bulge was caused by § 87(2)(b) s hands alone or if there was something in his pockets. PO Dill stated that prior to frisking § 87(2)(b) he asked § 87(2)(b) to remove his hands from his pockets, and § 87(2)(b) complied. PO Dill no longer observed any bulges in the pockets or on § 87(2)(b) s waistband. Dill conducted a frisk of § 87(2)(b) by feeling around his waistband and his jacket pockets. PO Dill conducted this frisk because he was concerned that § 87(2)(b) had a weapon. PO Dill did not feel anything during this frisk.

told the officers that he was coming inside § 87(2)(b) because he lived there. PO Dill told § 87(2)(b) that that when an officer asked for someone's name, it did not matter what they were doing, they had to provide their name to the officers. The officers requested § 87(2)(b)'s name and his ID multiple times but § 87(2)(b) refused and continually stated that he had not done anything wrong. The officers told § 87(2)(b) that if he did not provide his name, they would "take him in." § 87(2)(b) then provided his name.

All of the officers denied that PO Dill told § 87(2)(b) "If you don't give me your name, I'm going to take you down to the precinct," and stated that there was nothing that § 87(2)(b) could have been arrested for. The officers stated that they requested § 87(2)(b)'s name in order to check that he lived in the building as he said he did.

Sgt. Hansson stated that § 87(2)(b) came outside and told the officers that § 87(2)(b) lived in the building. Afterwards, an officer, although Sgt. Hansson did not recall who and stated that it might have been himself, asked § 87(2)(b) for his name. § 87(2)(b)'s name was required because Sgt. Hansson wanted to verify that § 87(2)(b) did live in the house. § 87(2)(b) did not provide his name at any point.

PO Angelo stated that § 87(2)(b) came outside and told officers that § 87(2)(b) was okay to come inside the building but he did not recall at what point in the incident this happened.

PO Dill stated that while he did not make the alleged remark, he did "advise" § 87(2)(b) in asking for his name, that if he provided a false name, that they would take him down to the precinct. PO Dill stated that he asked for § 87(2)(b)'s name prior to § 87(2)(b) coming outside and informing the officers that § 87(2)(b) lived at the building. After obtaining § 87(2)(b)'s name, PO Dill conducted an audit for him and determined that he did not have any open warrants.

NY Penal Law Section 190.23 states that "A person is guilty of false personation when after being informed of the consequences of such act, he or she knowingly misrepresents his or her actual name, date of birth or address to a police officer or peace officer with intent to prevent such police officer or peace officer from ascertaining such information" (Board Review 14).

§ 87(2)(g)
[REDACTED]

Allegation K- Abuse of Authority: Sergeant Michael Hansson failed to provide § 87(2)(b) with a business card.

Allegation L- Abuse of Authority: Police Officer Billy Dill failed to provide § 87(2)(b) with a business card.

Allegation M- Abuse of Authority: Police Officer Tyler Angelo failed to provide § 87(2)(b)

§ 87(2)(b) **with a business card.**

It is undisputed that the officers, who were working in plainclothes, did not provide § 87(2)(b) with business cards after they conducted a stop.

§ 87(2)(b) stated that PO Dill showed Sgt. Hansson something on his phone after looking up his name and then the officers left. § 87(2)(b) did not receive any paperwork from this incident. § 87(2)(b) did not testify that the officers provided him with any identifying information.

Sgt. Hansson stated that he told § 87(2)(b) his name and that he worked out of the 75th Precinct but that he did not give § 87(2)(b) a business card. Sgt. Hansson did not provide § 87(2)(b) with a card because he did not have an opportunity to do so. Sgt. Hansson's business cards were in the car and he did not have time to go back and get his cards prior to § 87(2)(b) walking back into the building.

PO Angelo stated that he did not provide § 87(2)(b) with a business card. PO Angelo stated that he did not believe that he would be required to issue § 87(2)(b) a business card because it "was such a brief encounter" and because § 87(2)(b) shook their hands and stated that he fully understood the reason for the stop. There was "no confusion" and therefore "no reason" to issue § 87(2)(b) a business card.

PO Dill stated that he did not provide § 87(2)(b) with a business card at the conclusion of their interaction. PO Dill provided § 87(2)(b) with his name and shield number. PO Dill did not have any business cards on his person at the time. PO Dill hands the business cards out "often" so he believes he may have ran out.

The UF 250 Stop Report regarding this interaction, which was prepared by PO Angelo and approved by Sgt. Hansson, notes that business cards were not offered to § 87(2)(b) because he was uncooperative.

Patrol Guide Procedure 203-09 states that officers must offer business cards when they conduct law enforcement activities such as stops where an officer has an individualized reasonable suspicion that the person has committed, is committing, or is about to commit a crime, and where a reasonable person would not feel free to end the encounter, and where a frisk has been conducted (Board Review 15). An officer does not have to offer a business card in cases where a summons is issued or an arrest is made.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) has been a party. § 87(2)(b) has since filed two additional complaints.

- § 87(2)(b)

- § 87(2)(b) [REDACTED].
- Sergeant Michael Hansson has been a member of services for nine years and has been a subject in ten closed CCRB complaints and nineteen allegations, of which two have been substantiated.
 - 201201649 involved a substantiated allegation of a discourtesy against Sgt. Hansson; the Board recommended Charges and the NYPD imposed Command Discipline B.
 - 201900776 involved a substantiated allegation of a refusal to process a civilian complaint against Sgt. Hansson; the Board recommended Formalized Training and the NYPD has not yet imposed discipline.
 - § 87(2)(g) [REDACTED].
- Police Officer Billy Dill has been a member of service for seventeen years and has not been a subject in any closed CCRB complaints.
- Police Officer Tyler Angelo has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, neither of which have been substantiated. § 87(2)(g) [REDACTED].

Mediation, Criminal, and Civil Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of January 9, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim filed in regards to this incident (Board Review 19).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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